

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget 266-2081** Drafter: **mpfotenh**
 By: **Potts** Secondary Drafters:
 Date: **1/29/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **doasbostatlanguage@wisconsin.gov**
mary.pfotenhauer@legis.wisconsin.gov

Pre Topic:

DOA:.....Potts, BB0233 -

Topic:

Abandoned Tanks Program

Instructions:

Transfer the abandoned underground petroleum storage tanks program under s. 292.64 from DNR to DATCP. See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mpfotenh 1/29/2019	ccarmich 1/29/2019			
/P1	mpfotenh 2/19/2019	ccarmich 2/19/2019	lparisi 1/29/2019		
/P2			mbarman 2/19/2019		

FE Sent For: **<END>**

Pfotenhauer, Mary

Subject: FW: Statutory Language Drafting Request - 2019-21

From: Cathlene Hanaman <cathleneh@gmail.com>

Sent: Saturday, January 26, 2019 3:08 PM

To: Shea, Elisabeth <Elisabeth.Shea@legis.wisconsin.gov>; Wyatt, Zachary <Zachary.Wyatt@legis.wisconsin.gov>

Subject: Fwd: Statutory Language Drafting Request - 2019-21

Sent from my iPhone

Begin forwarded message:

Biennial Budget: 2019-21

Topic: Abandoned Tanks Program

Tracking Code: BB0233

SBO Team: AEJ

SBO Analyst: Potts, Andrew

Phone: 608-266-2081

E-mail: andrew.potts@wisconsin.gov

Agency Acronym: 370

Agency Number: 370

Priority: Medium

Intent:

Transfer the abandoned underground petroleum storage tanks program under s. 292.64 from DNR to DATCP.

Attachments: False

Please send completed drafts to SBOSatlanguage@spmail.enterprise.wistate.us



State of Wisconsin
2019 - 2020 LEGISLATURE

In 1/29

PI
LRB-1696/?
MCP:ccc

DOA:.....Potts, BB0233 - Abandoned Tanks Program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

SLA
X-ref
SLC

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

The bill transfers, from DNR to DATCP, the abandoned tank system removal program, which currently allows DNR to hire contractors to remove abandoned underground petroleum storage tanks if the owner is unable to afford to do so.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 2 SECTION 1. 20.370 (4) (dw) of the statutes is amended to read:
- 3 20.370 (4) (dw) *Solid waste management — environmental repair; petroleum*
- 4 *spills; administration.* From the petroleum inspection fund, the amounts in the
- 5 schedule for the administration of ss. s. 292.63 and 292.64.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426;

1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; 2013 a. 20 ss. 214, 217, 218, 219, 220, 221, 276 to 289j; 2013 a. 72, 80; 2013 a. 165 s. 114; 2015 a. 31, 55, 89, 170; 2015 a. 197 s. 51; 2015 a. 250, 260, 358; 2017 a. 59, 134, 183, 348; 2017 a. 365 s. 111; 2017 a. 366.

- 1 **SECTION 2.** 20.370 (6) (fv) of the statutes is renumbered 20.115 (1) (tm) and
 2 amended to read:
 3 **20.115 (1) (tm)** *Removal of underground petroleum storage tanks.* From the
 4 petroleum inspection fund, the amounts in the schedule for the removal of
 5 abandoned underground petroleum storage tanks under s. 292.64 168.225.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; 2013 a. 20 ss. 214, 217, 218, 219, 220, 221, 276 to 289j; 2013 a. 72, 80; 2013 a. 165 s. 114; 2015 a. 31, 55, 89, 170; 2015 a. 197 s. 51; 2015 a. 250, 260, 358; 2017 a. 59, 134, 183, 348; 2017 a. 365 s. 111; 2017 a. 366.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

***NOTE: This draft creates a separate appropriation for storage tank removal. An alternative would be to repeal s. 20.370 (6) (fv) and fund the removal program through the existing appropriation under s. 20.115 (1) (t).

- 6 **SECTION 3.** 25.47 (4m) of the statutes is amended to read:
 7 **25.47 (4m)** The payments under s. 292.64 168.225 (3).

History: 1987 a. 27, 399; 1991 a. 269; 1993 a. 16; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16; 2009 a. 28; 2011 a. 32; 2013 a. 20.

- 8 **SECTION 4.** Subchapter II (title) of chapter 168 [precedes 168.21] of the statutes
 9 is amended to read:

CHAPTER 168

SUBCHAPTER II

STORAGE OF DANGEROUS SUBSTANCES; REMOVAL OF UNDERGROUND PETROLEUM STORAGE TANKS

Cross-reference: See also ch. ATCP 93, Wis. adm. code.

- 14 **SECTION 5.** 292.64 of the statutes is renumbered 168.225, and 168.225 (2) (b),
 15 as renumbered, is amended to read:

1 **168.225 (2) (b)** Using the method that the department of natural resources uses
2 to determine inability to pay under s. 292.63 (4) (ee), the department determines that
3 the owner of the underground petroleum product storage tank system is unable to
4 pay to empty, clean, remove, and dispose of the underground petroleum product
5 storage tank system; to assess the site on which the underground petroleum product
6 storage tank system is located; and to backfill the excavation.

History: 2009 a. 28; 2013 a. 20 s. 1707; Stats. 2013 s. 292.64; 2013 a. 173.

****NOTE: This draft put the storage tank removal program in subchapter II of ch. 168, which means that the exemptions under s. 168.22 (2), (3), and (5) will apply. Is this okay?

7

(END)



In 2/19

DOA:.....Potts, BB0233 - Abandoned Tanks Program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

Insert

sub sub head: Abandoned tank removal program

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

The bill transfers, from DNR to DATCP, the abandoned tank system removal program, which currently allows DNR to hire contractors to remove abandoned underground petroleum storage tanks if the owner is unable to afford to do so.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 20.370 (4) (dw) of the statutes is amended to read:

3 20.370 (4) (dw) *Solid waste management — environmental repair; petroleum*
4 *spills; administration.* From the petroleum inspection fund, the amounts in the
5 schedule for the administration of ss. s. 292.63 and 292.64.

6 **SECTION 2.** 20.370 (6) (fv) of the statutes is renumbered 20.115 (1) (tm) and
7 amended to read:

1 20.115 (1) (tm) *Removal of underground petroleum storage tanks.* From the
 2 petroleum inspection fund, the amounts in the schedule for the removal of
 3 abandoned underground petroleum storage tanks under s. ~~292.64~~ 168.225.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

****NOTE: This draft creates a separate appropriation for storage tank removal. An alternative would be to repeal s. 20.370 (6) (fv) and fund the removal program through the existing appropriation under s. 20.115 (1) (t).

4 SECTION 3. 25.47 (4m) of the statutes is amended to read:

5 25.47 (4m) The payments under s. ~~292.64~~ 168.225 (3).

6 SECTION 4. Subchapter II (title) of chapter 168 [precedes 168.21] of the statutes
 7 is amended to read:

8 **CHAPTER 168**

9 **SUBCHAPTER II**

10 **STORAGE OF DANGEROUS SUBSTANCES; REMOVAL OF UNDERGROUND**
 11 **PETROLEUM STORAGE TANKS**

12 SECTION 5. 292.64 of the statutes is renumbered 168.225, and 168.225 (2) (b),
 13 as renumbered, is amended to read:

14 **168.225 (2) (b)** Using the method that the department of natural resources uses
 15 to determine inability to pay under s. 292.63 (4) (ee), the department determines that
 16 the owner of the underground petroleum product storage tank system is unable to
 17 pay to empty, clean, remove, and dispose of the underground petroleum product
 18 storage tank system; to assess the site on which the underground petroleum product
 19 storage tank system is located; and to backfill the excavation.

****NOTE: This draft put the storage tank removal program in subchapter II of ch. 168, which means that the exemptions under s. 168.22 (2), (3), and (5) will apply. Is this okay?

Ans 2-19
20

(END)

1 INSERT 2-19

2 **SECTION 9132. Nonstatutory provisions; Natural Resources**

3 (1) TRANSFER OF ABANDONED UNDERGROUND PETROLEUM STORAGE TANK REMOVAL
4 PROGRAM.

5 (a) *Positions and employees.* On the effective date of this paragraph, 1.0 FTE
6 position, and all incumbent employees holding that position, in the department of
7 natural resources primarily related to the underground petroleum storage tank
8 removal program, as determined by the secretary of administration, are transferred
9 to the department of agriculture, trade and consumer protection.

10 (b) *Employee status.* Employees transferred under paragraph (a) have all the
11 rights and the same status under ch. 230 in the department of agriculture, trade and
12 consumer protection that they enjoyed in the department of natural resources
13 immediately before the transfer. Notwithstanding s. 230.28 (4), no employee so
14 transferred who has attained permanent status in class is required to serve a
15 probationary period.

16 (c) *Contracts.* All contracts entered into by the department of natural resources
17 primarily related to the abandoned underground petroleum storage tank removal
18 program, as determined by the secretary of administration, that are in effect on the
19 effective date of this paragraph remain in effect and are transferred to the
20 department of agriculture, trade and consumer protection. The department of
21 agriculture, trade and consumer protection shall carry out any obligations under
22 those contracts unless modified or rescinded by that department to the extent
23 allowed under the contract.

1 (d) *Tangible personal property.* On the effective date of this paragraph, all
2 tangible personal property, including records, of the department of natural resources
3 primarily related to the abandoned underground petroleum storage tank removal
4 program, as determined by the secretary of administration, is transferred to the
5 department of agriculture, trade and consumer protection.

6 (e) *Pending matters.* Any matter pending with the department of natural
7 resources primarily relating to the abandoned underground petroleum storage tank
8 removal program, as determined by the secretary of administration, on the effective
9 date of this paragraph is transferred to the department of agriculture, trade and
10 consumer protection. All materials submitted to or actions taken by the department
11 of natural resources with respect to the pending matter are considered as having
12 been submitted to or taken by the department of agriculture, trade and consumer
13 protection.

14 (f) *Assets and liabilities.* The assets and liabilities of the department of natural
15 resources primarily relating to the abandoned underground petroleum storage tank
16 removal program, as determined by the secretary of administration, become the
17 assets and liabilities of the department of agriculture, trade and consumer protection
18 on the effective date of this paragraph.

Pfotenhauer, Mary

From: Potts, Andrew - DOA
Sent: Tuesday, February 19, 2019 10:13 AM
To: Pfotenhauer, Mary
Subject: LRB 19-1696

Hi, Mary,

Per your notes in the draft:

****NOTE: This draft creates a separate appropriation for storage tank removal. An alternative would be to repeal s. 20.370 (6) (fv) and fund the removal program through the existing appropriation under s. 20.115 (1) (t).*

✓ Yes, let's use s. 20.115(1)(t).

****NOTE: This draft put the storage tank removal program in subchapter II of ch. 168, which means that the exemptions under s. 168.22 (2), (3), and (5) will apply. Is this okay?*

✓ Yes.

✓ Also, the transfer from DNR to DATCP will result in 1.0 FTE transferring departments. Could you please include the boilerplate non-stat for interdepartmental FTE transfers?

Thanks,

Andy



DOA:.....Potts, BB0233 - Abandoned Tanks Program

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

1. Abandoned tank removal program

The bill transfers, from DNR to DATCP, the abandoned tank system removal program, which currently allows DNR to hire contractors to remove abandoned underground petroleum storage tanks if the owner is unable to afford to do so.

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1 25.47 (4m) The payments under s. ~~292.64~~ 168.225 (3).

2 **SECTION 3.** Subchapter II (title) of chapter 168 [precedes 168.21] of the statutes
3 is amended to read:

4 **CHAPTER 168**

5 **SUBCHAPTER II**

6 **STORAGE OF DANGEROUS SUBSTANCES; REMOVAL OF UNDERGROUND**
7 **PETROLEUM STORAGE TANKS**

8 **SECTION 4.** 292.64 of the statutes is renumbered 168.225, and 168.225 (2) (b),
9 as renumbered, is amended to read:

10 168.225 (2) (b) Using the method that the department of natural resources uses
11 to determine inability to pay under s. 292.63 (4) (ee), the department determines that
12 the owner of the underground petroleum product storage tank system is unable to
13 pay to empty, clean, remove, and dispose of the underground petroleum product
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9 department of agriculture, trade and consumer protection. The department of
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17 department of agriculture, trade and consumer protection.

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23 of natural resources with respect to the pending matter are considered as having
24 been submitted to or taken by the department of agriculture, trade and consumer
25 protection.

